

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

“*Track Three Cases*”<sup>1</sup>

**MDL No. 2804  
Case No. 17-md-2804  
Judge Dan Aaron Polster**

**REVISED CASE MANAGEMENT ORDER FOR TRACK THREE**

The parties worked together to propose amended case management deadlines for the cases designated by the Court for trial in Track Three (“CT3”), and came to agreement on most, but not all, of those deadlines. With this Order, the Court adopts the parties’ agreed deadlines and resolves those that were still in dispute. Certain dates provided for in Section K below are the subject of separate stipulations between the parties, which are attached as exhibits to this Order and are incorporated by reference.

This Order supersedes the previous scheduling order only to the extent that new deadlines for specific events are provided below or by stipulation. In all other respects, the Track Three Case Management Order Nunc Pro Tunc dated June 8, 2020 (Dkt. # 3329) remains in effect.

[Sections A through D are unchanged from Dkt. # 3329.]

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<sup>1</sup> The Track Three cases are *County of Lake, Ohio v. Purdue Pharma, L.P. et al.*, Case No. 1:18-op-45032 (N.D. Ohio); and *County of Trumbull, Ohio v. Purdue Pharma, L.P. et al.*, Case No. 1:18-op-45079 (N.D. Ohio).

**E. CT3 Fact Discovery Deadlines**

7. **February 26, 2021** - Deadline to serve third party subpoenas.
8. **March 5, 2021** - Close of party fact discovery.
9. **March 19, 2021** - Close of third-party discovery.

[Section F is unchanged from Dkt. # 3329.]

**G. Expert Discovery Deadlines**

1. **April 16, 2021** – Plaintiffs shall serve expert reports and, for each expert, provide two proposed deposition dates between **May 3, 2021** and **May 21, 2021**.
2. **May 28, 2021** – Defendants shall serve expert reports and, for each expert, provide two proposed deposition dates between **June 14, 2021** and **June 29, 2021**.

**H. Daubert and Dispositive Motions**

1. **July 5, 2021** – Deadline for *Daubert* and dispositive motions.<sup>2</sup>
2. **July 30, 2021** – Deadline for responses to *Daubert* and dispositive motions.
3. **August 9, 2021** – Deadline for replies in support of *Daubert* and dispositive motions.

**I. Motions *in limine***

1. **August 9, 2021** – Motions *in limine* due.
2. **August 30, 2021** – Responses to motions *in limine* due.
3. **September 7, 2021** – Replies to motions *in limine* due.

[Section J is unchanged from Dkt. # 3329.]

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<sup>2</sup> The Parties have agreed that these motions will be due by July 5, 2021, regardless of the federal holiday.

**K. Pre-Trial Deadlines**

1. **July 1, 2021** - Parties to exchange additional proposed jury instructions, verdict forms, and interrogatories.<sup>3</sup>
2. **July 8, 2021** - Parties to email jury questionnaire to the Special Master.
3. [Deadline for exchange of affirmative deposition designations is included in the parties' stipulation.]
4. **Preliminary statements.**
  - (a) **July 8, 2021** – Parties to exchange proposed joint preliminary statements.
  - (b) **July 15 , 2021** - Parties to email joint preliminary statement to Chambers.
5. **July 15, 2021** - Parties to file jury instructions, verdict forms, and interrogatories, including objections where agreement is lacking.
6. **July 15, 2021** - Parties to email exhibit-list form to Chambers.
7. **Exchange of witness and exhibit lists**
  - (a) **June 15, 2021** - Parties to exchange witness lists.
  - (b) [Deadline for exchange of exhibit lists is included in the parties' stipulation.]
  - (c) **June 24, 2021** – Plaintiffs as a group will jointly identify no more than 50 fact witnesses whom they are most likely to call at trial.
  - (d) **July 1, 2021** – Defendants as a group will jointly identify no more than 50 fact witnesses whom they are most likely to call at trial.
8. **Filing of witness lists and exhibit lists**
  - (a) **July 26, 2021** - Parties to file witness lists.
  - (b) **September 10, 2021** – Parties to file exhibit lists.

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<sup>3</sup> The Court has already received copious submissions on these topics from the parties in this and other Case Tracks. The parties are directed not to submit materials that are repetitive or that contravene the Court's earlier conclusions on jury instructions.

9. [Deadline to exchange responsive deposition designations, objections to affirmative designations, and non-repetitive and non-responsive designations from depositions previously affirmatively designated during this period is included in the parties' stipulation.]
10. **August 9, 2021** - Parties to file proposed questions for the Court's *voir dire*.
11. **August 12, 2021** - Deadline to depose "most likely" witnesses who were not earlier deposed. A party must make a showing of good cause why they did not take the deposition of such a witness during the regular discovery period. Such depositions may also be taken by agreement. A party must show good cause to call at trial a witness who was not among the identified "most likely" trial witnesses.
12. **August 19, 2021** - Trial briefs due.
13. [Deadline for exchange of final deposition designations and objections is included in the parties' stipulation.]
14. **August 23, 2021** – Deadline to file objections to witnesses.
  - (a) [Deadline to file objections to exhibits is included in the parties' stipulation.]
15. [Deadline to file objections to deposition designations is included in the parties' stipulation.]
  - (a) [Deadline to submit advance exhibit objections is included in the parties' stipulation.]
16. **September 17, 2021** - Completed jury questionnaires to be distributed to trial counsel.
17. **September 21, 2021** - Court and trial counsel to review jury questionnaires.
18. **September 28, 2021** - Final pretrial conference.

L. **Trial**

1. **September 29, 2021** - Jury selection begins.
2. **October 4, 2021** - Opening statements.

**IT IS SO ORDERED.**

*/s/ Dan Aaron Polster*  
**DAN AARON POLSTER**  
**UNITED STATES DISTRICT JUDGE**

**Dated:** January 6, 2020